

LONNIE WHITE)	
)	
Claimant-Respondent)	
)	
v.)	
)	
INGALLS SHIPBUILDING,)	DATE ISSUED:
INCORPORATED)	
)	
Self-Insured)	
Employer-Petitioner)	DECISION and ORDER

Appeal of the Compensation Order - Award of Attorney's Fee of N. Sandra Ramsey, District Director, United States Department of Labor.

Paul M. Franke, Jr. (Franke, Rainey & Salloum), Gulfport, Mississippi, for self-insured employer.

Before: HALL, Chief Administrative Appeals Judge, SMITH and DOLDER, Administrative Appeals Judges.

PER CURIAM:

Employer appeals the Compensation Order - Award of Attorney's Fee (6-131970) of District Director N. Sandra Ramsey rendered on a claim filed pursuant to the provisions of the Longshore and Harbor Workers' Compensation Act, as amended, 33 U.S.C. §901 *et seq.* (the Act). The amount of an attorney's fee award is discretionary and may be set aside only if the challenging party shows it to be arbitrary, capricious, an abuse of discretion, or not in accordance with law. *See, e.g., Muscella v. Sun Shipbuilding & Dry Dock Co.*, 12 BRBS 272 (1980).

Claimant's counsel sought an attorney's fee of \$1,000, representing 3.8 hours at \$110 per hour for work performed by T. Larry Wilson from August 3, 1990 until July 12, 1991, and 7 hours at \$75 per hour for work performed by Steven J. Miller from October 23, 1991 until September 30, 1992, for work performed before the district director in connection with claimant's hearing loss claim. The district director awarded counsel a total fee of \$868, representing \$418 to Attorney Wilson for 3.8 hours at an hourly rate of \$110, and \$450 to Attorney Miller for 6 hours at an hourly rate of \$75. Employer appeals the district director's fee award, incorporating by reference the arguments it made below into its appellate brief. Claimant has not filed a response to this appeal.

Employer's objections to the number of hours and the hourly rates awarded to both attorneys are rejected, as it has not shown that the district director abused her discretion in this regard. *See Ross v. Ingalls Shipbuilding, Inc.*, 29 BRBS 42 (1995); *Maddon v. Western Asbestos Co.*, 23 BRBS 55 (1989); *Cabral v. General Dynamics Corp.*, 13 BRBS 97 (1981).¹

Employer's contentions that were not raised below will not be addressed for the first time on appeal. *Bullock v. Ingalls Shipbuilding, Inc.*, 27 BRBS 90 (1993)(*en banc*)(Brown and McGranery, JJ., concurring and dissenting), *modified on other grounds on recon. en banc*, 28 BRBS 102 (1994), *aff'd mem. sub nom. Ingalls Shipbuilding, Inc. v. Director, OWCP [Biggs]*, 46 F.3d 66 (5th Cir. 1995); *Clophus v. Amoco Production Co.*, 21 BRBS 261 (1988).

Accordingly, the Compensation Order-Award of Attorney's Fee of the district director is affirmed.

SO ORDERED.

BETTY JEAN HALL, Chief
Administrative Appeals Judge

ROY P. SMITH
Administrative Appeals Judge

NANCY S. DOLDER
Administrative Appeals Judge

¹Although employer objected to the October 15, 1990 and April 15, 1991, entries on the ground that they lacked the specificity required by the regulation, the district director did not abuse her discretion by awarding a fee for these entries.